

id: 240795  
date: 12/20/2009 14:50  
refid: 09TRIPOLI1021  
origin: Embassy Tripoli  
classification: SECRET//NOFORN  
destination:  
header:  
VZCZCXRO1304  
OO RUEHTRO  
DE RUEHTRO #1021/01 3541450  
ZNY SSSSS ZZH  
O P 201450Z DEC 09  
FM AMEMBASSY TRIPOLI  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5609  
INFO RHEHAAA/NSC WASHINGTON DC  
RUEAIIA/CIA WASHDC  
RUEHSW/AMEMBASSY BERN 0062  
RUEHEG/AMEMBASSY CAIRO 1527  
RUEHTU/AMEMBASSY TUNIS 0854  
RUEHAS/AMEMBASSY ALGIERS 0971  
RUEHRB/AMEMBASSY RABAT 0915  
RUEHLO/AMEMBASSY LONDON 1203  
RUEHFR/AMEMBASSY PARIS 0871  
RUEHTRO/AMEMBASSY TRIPOLI 6159

----- header ends -----

S E C R E T SECTION 01 OF 03 TRIPOLI 001021

NOFORN  
SIPDIS

DEPT FOR NEA/MAG AND DRL/NEASA, LONDON/PARIS FOR NEA WATCHERS

E.O. 12958: DECL: 12/20/2019  
TAGS: PHUM, PGOV, PREL, LY  
SUBJECT: HRW RELEASES REPORT FROM TRIPOLI AT LIVELY MEETING

CLASSIFIED BY: Gene Cretz, Ambassador, U.S. Embassy Tripoli, U.S. Department of State.

REASON: 1.4 (b), (d)

1. (C) Summary: Human Right Watch's December 12 launch of its latest report on Libya -- the first such launch in-country -- provided an unprecedented public forum for discussion of Libya's past abuses. The event degenerated into a shouting match between regime critics and supporters, some of which appears to have been scripted. HRW officials credited Saif al-Islam al-Qadhafi as key to the event, stating that his personal involvement prompted them to move the event from Cairo and enabled the families of several victims of the Qadhafi regime's abuses to travel from Benghazi to the event. HRW told us privately that Justice Secretary Mustafa Abduljalil is a proponent of rule of law, and urged the USG to provide technical support for Libya's new draft criminal code, for which HRW already has provided 30 pages of comments. We believe this

proposal is worthy of further consideration, particularly under the auspices of our bilateral Human Rights Dialogue. End Summary.

2. (C) Representatives from Human Rights Watch (HRW) credited members of the Qadhafi Development Foundation (QDF) for the latter's "brave and risky" facilitation of an event in Tripoli launching the rights group's first comprehensive report on Libya since 2006. The December 12 press conference brought members of the Libyan and international press together with relatives of past victims of Libyan human rights abuses -- and members of Libya's powerful security forces. While HRW staff recognized the historical and political significance of launching the report from Tripoli, they were careful not to overstate its importance or make assumptions on what it would mean for resolving outstanding human rights issues. Tom Malinowski, director of HRW's Washington office, told Poloff that the QDF's release of a similar report on December 10 was likely designed to reduce the sting of HRW's report by giving a national voice to human rights recommendations. Despite Saif al-Islam's positive intervention, authorities detained at least five families of the 1996 Abu Salim prison riot on their way from Benghazi to the event and denied visas for Washington Post and New York Times journalists to attend the HRW's press conference.

3. (S//NF) A phone call from Muammar al-Qadhafi's staff putting HRW on notice for a possible audience with the Libyan leader thirty minutes before the scheduled start of the press conference nearly caused a last-minute cancellation, but the event began with only minor technical complications. The crowd was twice as large as HRW expected, with approximately 80 journalists, diplomats, and government critics in the room. At least four security agents took notes, photos, and film of the proceedings; the primary cameraman had served as poloff's assigned surveillant for nearly six months. HRW briefly outlined its report, citing improvements on freedom of expression and the increased willingness of some public officials to accept and act on criticism. They acknowledged that many of Libya's major cases stem from events many years old, but that their concerns related to those cases would remain until victims and their relatives were given full accounts of and received justice for past violations. Thanking the QDF for its facilitation of both their study tour in April and the in-country launch of the report -- a fact that put Libya ahead of many other Arab states -- they also took so-called reformers to task for not doing enough to codify and institutionalize progress on human rights that has so far been won with support from Saif al-Islam and members of his inner circle.

4. (C) The short briefing and recommendations were followed by a lively question-and-answer segment that quickly degenerated into a litany of grievances against the Internal Security Organization (ISO) for years of repression. A family member of a victim of the Abu Salim riot, holding a photo of his dead brother, described his brother's case in detail claiming the family had taken food and clothing to the prison for 13 years, until they received a death certificate this spring that lacked a cause of death. A woman from Benghazi asked whether HRW would

apply pressure on the GOL to prosecute the director of an orphanage accused of sexually abusing girls under his care. Journalists and security agents swarmed those who spoke, some of whom were flanked by known employees of the QDF.

5. (C) After several longer testimonies, a journalist from state news agency JANA spoke, claiming to have accepted government compensation for his brother's death at Abu Salim. He railed against HRW and those continuing to petition the government for justice on past abuses as "anti-Libyan" and denounced HRW for

TRIPOLI 00001021 002 OF 003

holding Libya to different standards than the rest of the world. He asked how HRW's report could even be written when abuses like "the war in Iraq, Abu Ghraib, and Guantanamo" went unpunished. He defended Libya's actions as necessary to keep the country safe, and noted that no attacks like 9/11 could occur on Libyan soil due to these protections. HRW reiterated its non-governmental and politically neutral status, and pointed out that it had been the first organization to report on alleged abuses at Abu Ghraib. While HRW's explanation appeared to calm some in the audience, his statements ended what appeared to be a carefully scripted piece of theater. The next speakers, only some of whom seemed to be at the event at the invitation of the QDF, made more vocal complaints on the deaths or disappearances of relatives and made specific claims against the ISO.

6. (C) The event quickly evolved into an angry shouting match between government supporters and a sizable group of Libyan citizens urging the creation of compensation and truth commissions. The pro-government crowd, taunted by members of the audience as ISO agents, verbally attacked the HRW and their detractors, causing several individuals from both sides to storm out. After this public catharsis had endured for over 90 minutes and with no further questions about the content of the report, HRW ended the press conference and spoke individually with several government critics. (Notably, the actual events differed from a Times of London report, which exaggerated the details of the role of GOL security officials in "shutting down" the press conference.) Watching from the parking lot, emboffs observed several of the most vocal government critics entering a large van with staff from the QDF unhindered by security agents. Others, including a lawyer claiming to have represented Idriss Bufayed, departed individually without apparent incident.

7. (C/NF) In a December 13 meeting, HRW staff told the Ambassador that Saif al-Islam had personally intervened to allow the group to launch the report from Tripoli and that his influence had led to unprecedented access and openness from both high-ranking Libyan officials and ordinary citizens. HRW moved the planned launch from Cairo to Tripoli in mid-November at Saif al-Islam's encouragement, and the QDF facilitated meetings and visas for HRW. Contrasting their experience with their first visit in 2005, they remarked that everyone from lawyers to ISO director al-Tuhamy Khalid spoke more freely about Libya's human

rights culture and no longer "cited chapter and verse of the Green Book." Malinowski assessed that a stalemate between "law-and-order" officials like Justice Secretary Mustafa Abduljalil and security officials like Khalid would make further progress on human rights difficult. Recounting a two-hour "philosophical debate" with Khalid, Malinowski said the ISO Chief recognized he was operating his organization outside the law by holding some 330 prisoners who had been acquitted or served their sentences, but justified his inaction on the grounds of national security and Libya's fight against terror. Khalid ended his meeting with HRW by telling them, "There are some criminals who don't deserve human rights. Other than that you and I agree on everything."

8. (C/NF) HRW recommended that the U.S. support those elements of Libyan society that sought to institutionalize human rights protections. They see Abduljalil as a proud nationalist who believes in the principles of justice and the primacy of law and chalks up Libya's fitful march toward human rights legitimacy as "birthing pains" of a nation that is just reentering international society. Abduljalil told HRW that he would continue to fight against the culture of corruption that allowed security services to operate above the law. HRW sees the draft criminal code -- written under the QDF umbrella -- as a key, yet still insufficient part, of institutionalizing human rights protections within the Libyan legal structure. They provided post and the QDF with 30 pages of recommendations on the draft law -- which has been circulating for at least three years -- that would bring Libya's penal code in line with international human rights norms, and suggested that U.S. technical experts play a role in finalizing the draft code, through the provision of technical assistance. While they recognize that change will come slowly in Libya's security organizations, HRW said that U.S. security officials might be able to deliver messages to the ESO and ISO on the long-term (in) effectiveness of aggressive detention and questioning policies. To help insulate Libya's fledgling progress from the whims of its personality-driven political system, HRW advised that enshrining human rights

TRIPOLI 00001021 003 OF 003

protections into the law and its application will be fundamental to real societal change.

9. (C) Comment: Press reports on the tensions between security officers and regime critics at the HRW launch event were overstated. Most of the proceedings, including some of the back-and-forth between victims' families and security officials, seemed to follow a script that exalted the work of Saif al-Islam but remained carefully within the "red lines" that would cause significant offense. Although known security agents photographed and videotaped the event, and some families were detained for a short time and ordered not to travel from Benghazi to Tripoli, there are no reports that security officials took punitive action against regime critics.

10. (C) Comment continued: This event -- the first-ever of its kind in Libya -- helped solidify Saif al-Islam's reputation as a "reformer" and also undoubtedly pushed the envelope with some Old Guard elements. The draft criminal code strikes us as an interesting opportunity for real reform in Libya. It is encouraging that the Libyan Government is engaged in a dialogue with HRW on the specifics of the draft legislation, and we believe that HRW's suggestion that the USG consider providing technical assistance merits further review. The draft criminal code, including our providing the background to U.S. jurisprudence handling of free speech, assembly, and criticism of public officials, could be good topics of discussion for the working groups that will be convened under the auspices of our Human Rights Dialogue. End Comment.

CRETZ

=====CABLE ENDS=====